



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/471,153 12/23/99 JONES

J 8200.163

□ PM82/1220
LINIAK BERENATO LONGACRE & WHITE
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

EXAMINER

NGUYEN, X

ART UNIT

PAPER NUMBER

3613

DATE MAILED:

12/20/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/471,153	JONES ET AL.
	Examiner	Art Unit
	Lan Nguyen	3613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 December 1999 is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "16" has been used to designate both the actuating shaft and the pivot pin in figure 1. Correction is required.
2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dozier in view of Williams.

Dozier shows a brake assembly as in the present invention comprising: a brake spider 12 non-removably secured to an axle beam 18 in figure 1, column 2, lines 58, wherein spider 12 includes a pivoting end 42 and an actuating end 38 which includes opening 40 for receiving actuating shaft 34, a pair of brake shoes 28, an S-cam 32, and cam followers 36. The operation of the brake assembly is disclosed in column 3, lines 8-22. Dozier does not illustrate the actuator cylinder,

an actuating shaft and lever to actuate the cam shaft 34. Dozier discloses in column 3, line 14 that his brake assembly can be actuated by means well known in the art. Williams shows a well-known means of actuating a brake assembly, a pneumatic actuator 36, an actuating shaft 38 and lever 62. Williams further shows a mounting sleeve 32. It would have been obvious to one of ordinary skill in the art to have provided Dozier's brake assembly with a known actuating assembly as taught by Williams in order to perform the intended function of the actuator. It is noted that pneumatic brake actuators are well known in the art to actuate brake shoes as evidence by Williams.

Re: claims 2-7, Dozier discloses in column 2, line 58 that the spider 12 is welded to axle 18. Figure 1 shows that spider 12 is a one-piece axle spindle and brake spider assembly; where the actuator support plate 38 is axially offset from the pivoting end support plate 42. Williams shows mounting brackets 34, 26 attached to the ends of mounting sleeve 32. Williams further shows bracket 34 to be fastened to pneumatic actuator 36 and bracket 26 to be fastened to the actuating end of spider 12.

Re: claim 8, the above rejection for claims 1-7 meet all the limitations in claim 8.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baltare 4445597 and 4526254, Pringle, Baroni 4854427 and 4858730, Crewson et al. and Walker show brake assemblies.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347.

xln

December 15, 2000

The block contains a handwritten signature in black ink, appearing to read "Robert J. O'Connell" over "USPTO PATENT EXAMINER" and "COMPLEXITY CENTER". Below this is a printed rectangular nameplate with the same text: "ROBERT J. O'CONNELL", "USPTO PATENT EXAMINER", and "COMPLEXITY CENTER".